IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	William J. Caveny et al.	Art Unit: Unknown
Serial No.:	10/669,634	
Filed:	September 24, 2003	Examiner: Unknown
For:	CEMENT COMPOSITIONS COMPRISING STRENGTH-ENHANCING LOST CIRCULATION MATERIALS AND METHODS OF CEMENTING IN SUBTERRANEAN FORMATIONS	

INFORMATION DISCLOSURE STATEMENT

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

SIR:

The following documents are known to Applicants or Applicants' attorneys and are submitted for the Examiner to consider in the above-captioned application.

U. S. PATENTS

U.S. Patent No. 4,460,052 issued July 17, 1984 to Judith Gockel.

U.S. Patent No. 4,498,995 issued February 12, 1985 to Judith Gockel.

U.S. Patent No. 6,569,232 B2 issued May 27, 2003 to Magdiel Castro et al.

U.S. Patent No. 3,132,693 issued May 12, 1964 to Charles F. Weisend.

U.S. Patent No. 4,011,909 issued March 15, 1977 to Sally Lee Adams et al.

U.S. Patent No. 4,015,991 issued April 5, 1977 to Leonard J. Persinski et al.

U.S. Patent No. 4,022,731 issued May 10, 1977 to Joseph M. Schmitt.

U.S. Patent No. 4,107,057 issued August 15, 1978 to Walter R. Dill et al.

Practitioner's D cket No. HES 2003-IP-011259U1 ***PATENT***

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of _____
Inventor(s)

for _____
Title of invention

OR

In re application of: William J. Caveny et al.

Application No.: 0 10/669,634 Group Art Unit: unknown
Filed: September 24, 2003 Examiner: unknown
For: Cement Compositions Comprising Strength-Enhancing Lost Circulaiton ...

Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))

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Sheila Gibbs
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Date: 12-4-03

Sheila Gibbs
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** Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

NOTE: 37 C.F.R. 1.98(b):

(1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.

(2) Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.

(3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.

(4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.

(5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

WARNING: *No extension of time can be had under 37 C.F.R. § 1.136 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).*

NOTE: The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

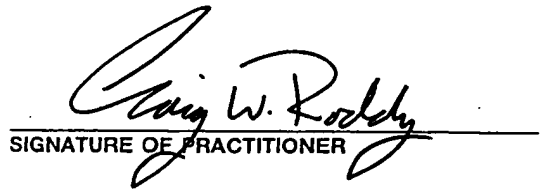
NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39). See also § 609, M.P.E.P., 8th Edition.

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: *"An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

WARNING: *"A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.*



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U.S. Patent No. 4,433,731 issued February 28, 1984 to Jiten Chatterji et al.

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OTHER MATERIAL

Webpage from TXI Energy Services, available at http://www.txi.com/default_3.tpl?id1=3&id2=20&id3=38, website visited September 5, 2003

Halliburton brochure entitled "Halad®-9 Fluid-Loss Additive" dated 1999.

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Publication entitled "Lightweight CO2-Resistant Cements for Geothermal Well Completions" by Lawrence E. Kukacka et al., publisher unknown and undated, but admitted to be prior art.

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Improved Fluid Loss Characteristics and Methods of Cementing in Surface and Subterranean . . .," inventors Rickey L. Morgan et al., filed June 27, 2003.

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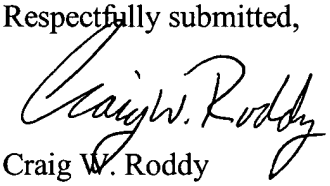
Copies of the aforementioned references and Form PTO-1449 are submitted herewith.

Respectfully submitted,



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PTO-1449 **Information Disclosure Citation in an Application**	Application No. **10/669,634**	Applicant(s): **RICKEY L. MORGAN ET AL.**	
	Docket Number HES 2003-IP-011259	Group Art Unit unknown	Filing Date September 24, 2003

U.S. PATENT DOCUMENTS

		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	1	4,460,052	07/17/84	Gockel	175	72	08/10/81
	2	4,498,995	02/12/85	Gockel	507	100	07/01/83
	3	6,569,232 B2	05/27/03	Castro et al.	106	644	01/10/01
	4	3,132,693	05/12/64	Weisend	166	33	
	5	4,011,909	03/15/77	Adams et al.	166	293	
	6	4,015,991	04/05/77	Persinski et al.	106	90	
	7	4,022,731	05/10/77	Schmitt	260	29.6 e	
	8	4,107,057	08/15/78	Dill et al.	252	8.55 C	
	9	4,433,731	02/28/84	Chatterji et al.	166	293	
	10	4,466,837	08/21/84	Chatterji et al.	106	85	
	11	4,515,635	05/07/85	Rao et al.	106	90	
	12	4,554,081	11/19/85	Borchardt et al.	252	8.5 A	
	13	4,555,269	11/26/85	Rao et al.	106	90	
	14	4,557,763	12/10/85	George et al.	106	90	
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	16	4,640,942	02/03/87	Brothers	523	130	
	17	4,676,317	06/30/87	Fry et al.	166	293	
	18	4,687,516	08/18/87	Burkhalter et al.	106	90	
	19	4,700,780	10/20/87	Brothers	166	293	
	20	4,703,801	11/03/87	Fry et al.	166	293	
	21	4,742,094	05/03/88	Brothers et al.	523	130	
	22	4,791,989	12/20/88	Brothers et al.	166	293	
	23	4,806,164	02/21/89	Brothers	106	90	
	24	4,931,489	06/05/90	Kucera et al.	523	130	
	25	5,110,853	05/05/92	Van-Det et al.	524	375	
	26	5,149,370	09/22/92	Olaussen et al.	106	737	
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	28	5,340,860	08/23/94	Brake et al.	524	166	
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FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	1	0,157 055 A2	10/09/85	Europe	C04B	24/16	X	
	2	0,538,989 A2	04/28/93	Europe	E21B	33/13	X	
	3	WO 01/25163 A1	04/12/01	PCT	C04B	28/02	X	
	4	WO 00/20350	04/13/00	PCT	C04B	28/02	X	

NON-PATENT DOCUMENTS

		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
	1	Webpage from TXI Energy Services, available at http://www.txi.com/default_3.tpl?id1=3&id2=20&id3=38, website visited September 5, 2003	2003
	2	Halliburton brochure entitled "Halad®-9 Fluid-Loss Additive"	1999
	3	Halliburton brochure entitled "Halad®-14 Fluid-Loss Additive"	1999
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	5	Halliburton brochure entitled "Halad®-23 Fluid-Loss Additive"	2000
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	8	Halliburton brochure entitled "Halad®-413 Fluid-Loss Additive"	1999
	9	Halliburton brochure entitled "Halad®-447 Fluid-Loss Additive"	1999
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	11	Halliburton brochure entitled "Halad®-600 E+ Fluid-Loss Additive"	1999
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	13	Halliburton brochure entitled Fluid-Loss Additives, Our Case for Halliburton Additives is Water Tight"	1994
	14	SPE 10623 entitled "Acrylamide/Acrylic Acid Copolymers for Cement Fluid Loss Control" by Lee McKenzie et al.	1982
	15	Halliburton brochure "HR®-25 Cement Retarder"	1999

	16	Halliburton brochure entitled "Silicalite Cement Additive"	1999
	17	Product Data Sheet entitled "Secar 60"	January 2001
	18	Publication entitled "Rubber-Tire Particles As Concrete Aggregate" by Neil Eldn et al. published in the Journal of Materials in Civil Engineering, Vol. 5, No. 4, pp. 479-496	November 1993
	19	Publication entitled "The Properties of Rubberized Concretes" by I. Topcu published in the Cement and Concrete Research Journal, Vol. 25, No. 2, pp. 304-310	1995
	20	Publication entitled "Hot Alkali Carbonation of Sodium Metaphosphate Fly Ash/Calcium Aluminate Blend Hydrothermal Cements" by T. Sugama published in the Cement and Concrete Research Journal, Vol. 26, No. 11, pp. 1661-1672	1996
	21	Publication entitled "Mullite Microsphere-Filled Light-weight Calcium Phosphate Cement Slurries For Geothermal Wells: Setting and Properties" by T. Sugama et al. published in the Cement and Concrete Research Journal, Vol. 25, No. 6, pp. 1305-1310	1995
	22	Publication entitled "Carbonation of Hydrothermally Treated Phosphate-Bonded Calcium Aluminate Cement" by T. Sugama, et al. published under the auspieces of the U.S. Department of Energy, Washington, D.C. under contract No. DEA-AC02-76CH00016, undated, but admitted to be prior art.	
	23	Publication entitled "Lightweight CO2-Resistant Cements for Geothermal Well Completions" by Lawrence E. Kukacka et al., publisher unknown and undated, but admitted to be prior art.	
	24	Publication entitled "Microsphere-Filled Lightweight Calcium Phosphate Cement" by Toshifumi Sugama et al. under teh auspices of the U.S. Department of Energy, Washington, D.C. under contract No. DE-AC02-76 CH00016; undated but admitted to be prior art.	
	25	Publication entitled "Interfaces and Mechanical Behaviors of Fiber-Reinforced Calcium Phosphate Cement Compositions" by T. Sugama, et al. prepared for the Geothermal Division U.S. Department of Energy; Department of Applied Science, June 1992, but admitted to be prior art.	June 1992
	26	Publication entitled "Calcium Phosphate Cements Prepared by Acid-Base Reaction" by Toshifumi Suagama et al. published in the Journal of the American Ceramic Society Vol. 75, No. 8, pp. 2076-2087	1992
	27	Publication entitled "TXI Energy Services Introduces Pressur-Seal ™ Hi Performance Lost Circulation Material"	August 12, 1998
	28	Halliburton brochure entitled "Latex 2000 Cement Additive"	1998
	29	Halliburton brochure entitled "Pozmix® A Cement Additive"	1999
	30	Halliburton brochure entitled "Spherelite Cement Additive"	1999
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	32	Halliburton brochure entitled "STEELSEAL®", undated but admitted to be prior art	
	33	Halliburton brochure entitled "New Lost Circulation Solution", undated but admitted to be prior art	
	34	Halliburton brochure entitled "FlexPlug^{SM} Service"	1998
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	39	Halliburton brochure entitled "FlexPlug® OBM"	1999
	40	Halliburton brochure entitled Spherelite"	1999
	41	Halliburton brochure entitled "Flocele"	1999
	42	Halliburton brochure entitled "Gilsonite"	1999
	43	Halliburton brochure entitled "Perlite"	1999

	44	Halliburton brochure entitled "Bentonite Cement Diesel Oil Slurry (BCDO)"	2000
	45	Halliburton brochure entitled "Flo-Chek® Service"	2000
	46	Halliburton brochure entitled "Bengum Squeeze"	2000
	47	U.S. Patent Application Ser. No. 10/608748 entitled "Cement Compositions with Improved Fluid Loss Characteristics and Methods of Cementing in Surface and Subterranean . . .," inventors Rickey L. Morgan et al., filed June 27, 2003	June 27, 2003
	48	Halliburton brochure entitled "Kwik-Seal®"	2002

	DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.